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APR 14 2005

OFFICE OF PETITIONS

In re Application of :
Benavides et al. :
Application No. 10/786,810 :
Filed: February 25, 2004 :
Attorney Docket No. ST01023 US CNT :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181(a)(3), filed February 25, 2005, invoking the supervisory authority of the Commissioner to review the refusal of the Office of Initial Examination to correct the inventorship in the instant application. This decision will also address petitioner's request to correct the title of the invention and to correct the address listed for the assignee.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The Office of Initial Patent Examination acted correctly in denying petitioner's request to correct the inventorship via a request for corrected filing receipt and acted correctly when it informed petitioner that a petition under 37 CFR 1.48 must be filed.

An executed declaration was filed on June 22, 2004. The declaration as filed lists names for five inventors.

The declaration as filed does not clearly indicate that inventor three was listed twice on the declaration. The declaration as filed does not clearly indicate that only four inventors exist. The name listed for the fifth inventor is the last name of the third inventor. However, family members can, and have, filed patent applications where more than one family member is an inventor. The address for the fifth inventor is the same address listed for the third inventor. However, family members residing at the same address may file patent applications listing more than one family member as an inventor. For the above reasons, the Office acted correctly in entering five inventors into Office records.

Once an executed oath or declaration has been filed, one must file a petition under 37 CFR 1.48 in order to make changes to the inventorship. Therefore, the Office of Initial Patent Examination acted correctly when it informed petitioner that a petition under 37 CFR 1.48 would need to be filed in order to make the requested change to inventorship.

The requested change to the title for the invention has been made.

The transmittal letter filed by petitioner included the word "activatives" as part of the title of the invention. The title listed at the beginning of the specification includes the word "activates" rather than "activatives." The filing receipt listed the title with the word "activatives." Petitioner

requests the title be corrected to replace "activatives" with "activates." The title has been corrected in Office records.

The requested change to the assignee's city of residence has not been made. However, the city of residence for the assignee has been changed to Antony, France.

Petitioner requests the address of the assignee be changed from "Cedex, France" to "Antony, Cedex, France." The Application Data Sheet lists the city for the assignee as "Antony, Cedex." The city of Antony is located near Paris. A city called "Antony, Cedex" does not exist. The word Cedex derives from a mailing system known as *Courrier d'Entreprise à Distribution Exceptionnelle*. It is a postal term designed for those who receive a very large amount of mail. The word Cedex, along with a three digit code, can be used in conjunction with a "zip code" to improve the routing of mail. Just as the zip code for an assignee does not appear on a patent, neither should the word Cedex. The city name for the assignee will be changed in Office records from Cedex to Antony.

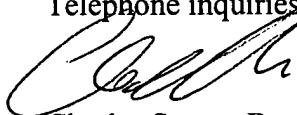
Any request for reconsideration of this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
 Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Corrected Filing Receipt